

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

FILED

04 MAR 30 PM 3:59

U.S. DISTRICT COURT
N.D. OF ALABAMA

JOE LOONEY,

Plaintiff,

vs.

TERRY SURLS, ET AL.,

Defendants.

CV-00-AR-1490-M

ENTERED

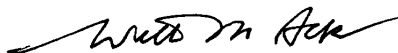
MAR 30 2004

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on March 5, 2004, recommending that the defendants' special report be treated as a motion for summary judgment, that the motion for summary judgment be granted, and that this cause be dismissed with prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this the 30th day of March, 2004.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE

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